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FCC MAIL SECTION

Before the
FEDERAL COMMUNICATIONS COMMISSIONS
Washington, DC 20554

FCC 91M- 1320
3853

In re Applications of)	MM DOCKET NO. 91-10 ✓
)	
CHARLEY CECIL & DIANNA MAE WHITE)	File No. BPH-891213M
d/b/a WHITE BROADCASTING PARTNERSHIP)	
)	
PEACHES BROADCASTING, LTD.)	File No. BPH-891214MN
)	
SAGE BROADCASTING CORPORATION OF)	File No. BPH-891214MR
JUPITER, FLORIDA)	
)	
DOUGLAS JOHNSON)	File No. BPH-891214MZ
)	
NORTHEAST FLORIDA BROADCASTING CORP.)	File No. BPH-891214NA
)	
JEM PRODUCTIONS, LIMITED PARTNERSHIP)	File No. BPH-891214ND
C/O JOYCE MORGAN)	
)	
For Construction Permit for a)	
New FM Station on Channel 289A)	
in Baldwin, Florida)	

ORDER

Issued: April 11, 1991 ; Released: April 16, 1991

Under consideration are 1) Motion for Summary Judgment, filed March 11, 1991 by Douglas Johnson; and 2) Mass Media Bureau's Comments In Support of Motion for Summary Judgment, filed by the Bureau on March 25, 1991.

Johnson seeks summary decision on the air hazard issue specified against it. The issue was specified because of a determination that Johnson's tower site would create a potential for electro-magnetic interference ("EMI") with aeronautical navigation equipment at the nearby Jacksonville International Airport. Johnson seeks summary resolution of the EMI air hazard issue through the imposition of the following condition upon any grant of its application:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the operation of the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as necessary to eliminate the harmful interference. This condition expires after one year of interference-free operation.

For all that appears, the Federal Aviation Administration does not object to the imposition of this condition, and the approach is favored by the Mass Media Bureau. The motion will be granted.

Accordingly, IT IS ORDERED that the Motion IS GRANTED and the air hazard issue is resolved, conditioned as set forth herein, in Johnson's favor.

FEDERAL COMMUNICATIONS COMMISSION


Edward Luton
Administrative Law Judge